

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IOU CENTRAL, INC.
d/b/a IOU FINANCIAL, INC,

Plaintiff,

v.

MONTY LEE MERRILL,
LAURA ANN MERRIL
CLEARWATER TRANSPORTATION
MANAGEMENT CO., LLC,
and
CLEARWATER REAL ESTATE, LLC

Defendants.

Civil No. 1:20-cv-00453-JPB

**DEFENSE COUNSEL’S INTERIM RESPONSE TO
PLAINTIFF’S MOTION TO TRANSFER**

Despite diligent efforts, defense counsel have not received any instructions or guidance from Defendants as to whether to oppose the Plaintiff’s motion to transfer this case to Texas or whether to instead move to compel arbitration pursuant to the mandatory and binding arbitration clause in Monty Merrill’s Personal Guaranty Agreement with IOU. (ECF Document No. 9-12 & Exhibit A).

Having received no guidance or instructions from the Defendants, defense counsel requests an enlargement of time in which to make further efforts to obtain instructions and guidance from Defendants and to provide a more definitive response to Plaintiff’s motion to transfer.

Absent an enlargement of time, defense counsel believe that a transfer to the federal district court in Texas is the best option which provides the greatest flexibility for Defendants should they eventually provide the requested guidance and instructions to defense counsel.

Respectfully Submitted This 8th Day of December 2020:

By: /s/ Geoffrey M. Dureska
Counsel

Geoffrey M. Dureska
Ga. Bar No. 783906
1870 The Exchange, SE, STE 200
Atlanta, Georgia 30339
Tel: (404) 692-5953
Fax: (404) 596-5283
E-mail: gdureska@dbllawyers.com
Counsel for Defendants

By: /s/ Michael C. Whitticar
Counsel

Michael C. Whitticar; VSB No. 32968
NOVA IP Law, PLLC
7420 Heritage Village Plaza,
Suite 101
Gainesville, VA 20155
Tel: 571-386-2980
Fax: 855-295-0740
E-mail: mikew@novaiplaw.com
Counsel for Defendants

FONT CERTIFICATION

The undersigned hereby certifies that this pleading complies with the font requirements of LR 5.1B because the document has been prepared in Times New Roman, 14 point font.

/s/ Geoffrey M. Dureska

Geoffrey M. Dureska
Georgia Bar No. 783906

CERTIFICATE OF SERVICE

I hereby certify that on the 8th Day of December, 2020, I served the foregoing Defendants' Response to Plaintiff's Motion to Transfer by CM/ECF submission which will send a notification to the following counsel of record:

Paul G. Wersant
Georgia Bar No. 748341
3245 Peachtree Parkway, Suite D-245
Suwanee, Georgia 30024
Telephone: (678) 264-2358
E-mail: pwersant@gmail.com
Counsel for Plaintiff

/s/ Geoffrey M. Dureska

Geoffrey M. Dureska